

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Case No. 21-20354

v.

Hon. Paul D. Borman

D-1 Kevin Fordham, et al.,

Defendants.

/

Government's Second Notice of Discovery Disclosure

The United States of America, by and through its attorneys, Dawn N. Ison, United States Attorney, and Brant Cook and Blake Hatlem, Assistant United States Attorneys for the Eastern District of Michigan, submit this Notice of Discovery Disclosure, and state the following:

1. On November 22, 2021, the government provided approximately 780 documents, totaling approximately 11,750 pages, and various electronic exhibits, in its discovery production of items general to the case. (See Exhibit 1: Production 3 Index, sealed). Concurrently, the government also provided numerous documents and electronic items that were specific to particular defendants separately to those defendants.¹ These productions were distributed

¹ Because of the potentially sensitive nature of items notated in defendants-specific productions, no indexes for those items are attached to this filing.

through USAfx, a cloud computing service that allows for the transfer of files. When certain of the files proved too large to properly upload to USAfx, those items were pulled and copied to a hard drive containing this supplemental discovery and sent via Fed-Ex two-day shipping to Russ Aoki on December 7, 2021, for him to provide to the affected defendants. The USAfx cloud containers were made accessible to counsel for each defendant, and to both discovery coordinators, Russ Aoki and Chris Antone. This production includes, *inter alia*, the following:

- a. Numerous federal search warrants, applications, and returns relating to the investigation of this matter;
- b. Title III applications and Orders;
- c. ATF Reports detailing surveillance and the corresponding surveillance video and/or photos;
- d. ATF Reports of, and items seized, during federal search warrants;
- e. ATF Reports detailing pertinent social media posts and the corresponding social media pages;
- f. ATF reports of recorded phone calls;
- g. ATF reports of undercover activities;
- h. Recorded phone calls; and
- i. Other items pertaining to the investigation in this matter.

2. On December 17, 2021, the government produced 199 additional documents, totaling approximately 6119 pages, to Russ Aoki, discovery coordinator, for further disbursement to defense counsel and the local discovery coordinator, Chris Antone.² (See Exhibit 2: Production 4 Index, sealed). Concurrently, the government also provided to Russ Aoki numerous documents and electronic items that were specific to particular defendants for production separately to those defendants.³ The government sent a hard drive containing this supplemental discovery via Fed-Ex two-day shipping to Russ Aoki on December 17, 2021. This production includes, *inter alia*, the following:

- a. PLX analysis reports⁴ for each of the lines intercepted under Title III authorization;
- b. PLX Analysis reports for calls to and from select confidential informants;
- c. ATF reports relating to review of jail calls and cell phone extractions;

² In consultation with the discovery coordinators, Productions 4, 5, and 6 were sent only to Mr. Aoki for processing, for later disbursement to Mr. Antone by Mr. Aoki.

³ Because of the potentially sensitive nature of items notated in defendants-specific productions, no indexes for those items are attached to this filing.

⁴ PLX Analysis reports are non-official reports of each of the intercepted calls. They do not represent official transcripts, and eventual transcripts may differ. These reports were provided as a courtesy to allow defense counsel to better analyze the intercepted calls.

- d. MDOC documents;
- e. Images and videos from search warrants;
- f. Local police reports; and
- g. Other items pertaining to the investigation in this matter.

3. On December 17, 2021, the government produced approximately 110 digital files to Russ Aoki, discovery coordinator, for further disbursement to defense counsel and the local discovery coordinator, Chris Antone. (See Exhibit 3: Production 5 Index, sealed). Concurrently, the government also provided to Mr. Aoki numerous electronic items that were specific to particular defendants for production separately to those defendants.⁵ The government sent a hard drive containing this supplemental discovery via Fed-Ex two-day shipping to Russ Aoki on December 17, 2021. This production includes, *inter alia*, the following:

- a. Cell phone extractions;
- b. Search warrant videos and photos;
- c. Prison calls;
- d. Audio and video of undercover activities, including drug buys, gang meetings, conversations, social media messages, and telephone calls; and

⁵ Because of the potentially sensitive nature of items notated in defendants-specific productions, no indexes for those items are attached to this filing.

- e. Other items pertaining to the investigation in this matter.
4. On January 3, 2022, the government produced approximately 1,100 pages of documents and photos to Russ Aoki, discovery coordinator, for further disbursement to defense counsel and the local discovery coordinator, Chris Antone. (See Exhibit 4: Production 6 Index, sealed). Concurrently, the government also provided to Mr. Aoki documents and electronic items that were specific to particular defendants for production separately to those defendants. The government sent a hard drive containing this supplemental discovery via Fed-Ex two-day shipping to Russ Aoki on January 3, 2022. This production includes, *inter alia*, the following:
 - a. Documents relating to the structure and history of the AVLN;
 - b. Analysis of social media search warrant returns;
 - c. MDOC records;
 - d. Open source information concerning the defendants and the AVLN gathered during the investigation;
 - e. Lab requests; and
 - f. Other items pertaining to the investigation in this matter.
5. So far, the government has produced in excess of 3 terabytes of documents and digital-media exhibits, ranging from Bates Numbers 21cr20354-000001 through 21cr20354-027764. Thus, inclusive of single-page “placeholder” documents for each of the digital exhibits, nearly 28,000 pages of discovery have been

produced to every defendant. This number does not include hundreds of more pages of defendant-specific productions. Almost 2 terabytes of digital media have been produced for disbursement to every defendant, with an additional approximately 1 terabyte more of defendant-specific digital material. These items represent all material that was available to the government and identified as discoverable as of mid-December 2021. As additional reports are generated, and extractions completed of cell phones, computers, and other digital items, discoverable material will be produced as soon as immediately practical.

6. As has been discussed with the Court and defense counsel, the investigation in this matter involved many more individuals than are currently charged. Material from these related investigations was reviewed for items that may be discoverable in this matter, and that identified material has been produced in discovery here. Additional material that is not discoverable was marked and set aside for defense counsel review, if they choose to do so. Defense counsel may contact government counsel to arrange a time for such review at the U.S. Attorneys' Office.

7. During the course of this investigation, numerous physical items, such as cellphones, firearms, clothing, AVLN-related documents, and other items, were taken into ATF custody. Most of these items are discussed in ATF reports that have been produced in discovery. The government will produce a list of physical items that are in ATF custody, and distribute that to defense counsel.

Should defense counsel wish to review physical items, they may contact the government to arrange to do so.

Respectfully Submitted,

Dawn N. Ison
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/s Brant Cook

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Certificate of Service

I hereby certify that on January 25, 2022, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification to the attorneys of record.

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